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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/631,219	07/28/2003	Richard Scheps	82948	3293
32697	7590	05/04/2005	EXAMINER	
OFFICE OF PATENT COUNSEL SPAWARSYCEN, CODE 20012 53510 SILVERGATE AVE. ROOM 103 SAN DIEGO, CA 92152-5765			VAN ROY, TOD THOMAS	
			ART UNIT	PAPER NUMBER
			2828	

DATE MAILED: 05/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/631,219	Applicant(s) SCHEPS, RICHARD	
	Examiner <i>[Signature]</i> Tod T. Van Roy	Art Unit 2828	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 7/28/2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>7/28/2003</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: Fig.4 #'s 12, 22, 14, 24, and 26. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claims 1 and 7 are objected to because of the following informalities: The word "fluorescence" is misspelled in each claim. Appropriate correction is required.

The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims

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are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 11 and 12 (10 having been omitted) have been renumbered 10 and 11.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-7, and 9-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Scheps (US 5530711).

With respect to claim 1, '711 discloses a laser (fig.9) comprising a first optically reflective element (fig.9 #39), a second optically reflective element (fig.9 #31e) opposed to and aligned with said first optically reflective element to define a laser cavity having an optical axis, a laser dye gain element (fig.9 #33) having a dye laser dye (col.14 lines 7-9) and which is interposed between said first and second optically reflective elements along said optical axis for transforming an optical pump signal into a resonant optical signal (col.4 lines 48-60), a laser diode system for generating and injecting said optical pump signal into said laser cavity (fig.9 #18,18') along said optical axis, where said optical pump signal is a sequence of optical pulses (col.19 lines 30-39) having a

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duration of about $n\tau_f$, where τ_f represents a fluorescence lifetime of said laser dye, and $3 \leq n \leq 25$ (col.20 lines 15-20).

With respect to claims 3 and 4, '711 discloses a laser as described in the rejection to claim 1, and also discloses the dye gain element to be of a host material from the group that includes porous glass, plastic, and sol-gels (col.3 lines 32-34) and further discloses the use of polymethylmethacrylate (col.3 line 34).

With respect to claim 5, '711 discloses a laser as described in the rejection to claim 1, and also discloses the first optically reflective element to have a curved reflective surface (fig.9 #39).

With respect to claim 6, '711 discloses a laser as described in the rejection to claim 1, and also discloses the first and second optically reflective elements to define a nearly hemispherical resonator (col.14 lines 25-31, describing a cavity with the reflective elements located such that a hemispherical laser resonator mode is formed, i.e. forming a hemispherical resonator).

With respect to claims 7, and 9-11, '711 discloses the laser as described in the rejections to claims 1, and 3-5 above, while claims 7 and 9-11 are methods of generating the laser output signal and are hence rejected for the same reasons.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 2 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scheps '711.

With respect to claim 2, '711 discloses the laser device as outlined in the rejection to claim 1 above, but does not explicitly define the pump signal to have a pulse period in the range of 1Khz to 1 Mhz. '711 does however teach that laser diodes can be modulated at a rate exceeding 1 Ghz (col.19 line 49) and that the lifetime of most dyes is several nanoseconds (col.19 lines 65-66). It is further stated that the lifetime of the laser gain element (being pumped) places an upper limit on the modulation rate that can be achieved (col.19 lines 57-59, meaning that lower modulation rates may be used, falling in the 1Khz to 1Mhz limit, and that the restriction is specifically on the upper limit of the pumped material). Therefor, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the laser device with the 1Khz to 1Mhz pump pulse period in order to properly tune the dye laser to deliver a fixed amount of energy per pulse avoiding damaging optical components (col.20 lines 19-29, and see MPEP 2144.05 (II a&b) speaking on optimization of ranges and effective variables).

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With respect to claim 8, '711 discloses the laser as described in the rejections to claims 1, and 2 above, while claim 8 is a method of generating the laser output signal and is hence rejected for the same reasons.

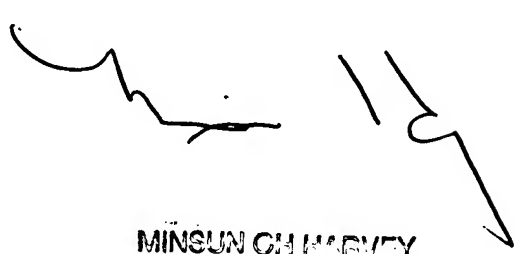
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tod T. Van Roy whose telephone number is (571)272-8447. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Minsun Harvey can be reached on (571)272-1835. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TVR



MINSUN OH HARVEY
PRIMARY EXAMINER